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Approved: _____

ALEXANDER LI

Assistant United States Attorney

Before: THE HONORABLE GABRIEL W. GORENSTEIN
 Chief United States Magistrate Judge
 Southern District of New York

----- X	:	<u>COMPLAINT</u>
	:	
UNITED STATES OF AMERICA	:	Violations of
	:	18 U.S.C. §§ 2251(a)
- v. -	:	and (e), 2252A(a)(2)(B)
	:	and (b)(1),
MICHAEL MCCONNELL,	:	2252A(a)(5)(B) and
	:	(b)(2), 875(d),
Defendant.	:	and 2
	:	
	:	COUNTY OF OFFENSE:
	:	NEW YORK
----- X	:	

SOUTHERN DISTRICT OF NEW YORK, ss.:

AARON SPIVACK, being duly sworn, deposes and says that she is a Special Agent with the Federal Bureau of Investigation ("FBI"), and charges as follows:

COUNT ONE

(Production of Child Pornography)

1. From at least on or about February 20, 2019 up to and including at least on or about February 23, 2019,¹ in the Southern District of New York and elsewhere, MICHAEL MCCONNELL, the defendant, willfully and knowingly attempted to and did employ, use, persuade, induce, entice, and coerce a minor to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct, and for the purpose of transmitting a live visual depiction of such conduct, knowing and having reason to know that such visual depiction would be transported and transmitted using a means and facility of interstate and foreign commerce, and in and affecting interstate and foreign commerce, which visual depiction was produced and transmitted using materials that had been mailed, shipped, and

¹ For consistency, all dates and times in this complaint are Central Standard Time (UTC-6).

transported in and affecting interstate and foreign commerce by any means, including by computer, and was actually transported and transmitted using a means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce, to wit, MCCONNELL used, persuaded, induced, enticed, and coerced a minor over the Internet and by cellular telephone messaging to engage in sexually explicit conduct for the purpose of producing photographs of such conduct.

(Title 18, United States Code, Sections 2251(a), (e), and 2)

COUNT TWO

(Receipt of Child Pornography)

2. From at least on or about February 20, 2019 up to and including at least on or about February 23, 2019, in the Southern District of New York and elsewhere, MICHAEL MCCONNELL, the defendant, knowingly did receive and attempt to receive material that contains child pornography that had been mailed, and using a means and facility of interstate and foreign commerce shipped and transported in and affecting interstate and foreign commerce by any means, including by computer, to wit, MCCONNELL received in his residence in Manhattan, New York, over the Internet and by cellular telephone messaging, images of child pornography.

(Title 18, United States Code, Sections 2252A(a)(2)(B),
(b)(1), and 2.))

COUNT THREE

(Possession of Child Pornography)

3. From at least on or about February 20, 2019 up to and including at least on or about February 23, 2019, in the Southern District of New York and elsewhere, MICHAEL MCCONNELL, the defendant, knowingly did possess and access with intent to view, and attempt to possess and access with intent to view, a book, magazine, periodical, film, videotape, computer disk, and other material containing an image of child pornography that had been mailed, shipped, and transported using a means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce by any means, including by computer, and that was produced using materials that had been mailed, shipped and transported in and affecting interstate and foreign commerce by any means, including by computer, to wit, MCCONNELL possessed in his residence in Manhattan, New York, images of child pornography.

(Title 18, United States Code, Sections 2252A(a)(5)(B),
(b)(2), and 2.)

COUNT FOUR

(Interstate Extortion)

4. From at least on or about February 20, 2019 up to and including at least on or about February 24, 2019, in the Southern District of New York and elsewhere, MICHAEL MCCONNELL, the defendant, with intent to extort from a person, firm, association, and corporation, money and other things of value, did transmit in interstate and foreign commerce a communication containing a threat to injure the property and reputation of the addressee and of another and the reputation of a deceased person and a threat to accuse the addressee and another person of a crime, to wit, MCCONNELL, while using the Internet and cellular telephone messaging, threatened the reputation of a minor with the intent to extort sexually explicit photographs from that minor.

(Title 18, United States Code, Sections 875(d) and 2.)

5. The bases for my knowledge and for the foregoing charge are, in part, described in the following paragraphs.

6. I am a Special Agent with the FBI and am currently assigned to a squad charged with enforcing federal laws prohibiting child pornography and other forms of child exploitation. I have been personally involved in the investigation of this matter. This affidavit is based upon my personal participation in the investigation of this matter, my conversations with law enforcement agents and other individuals, as well as my examination of reports and other records. Because this affidavit is being submitted for the limited purpose of establishing probable cause, it does not include all the facts that I have learned during the course of my investigation. Where the contents of documents and the actions, statements, and conversations of others are reported in this complaint, they are reported in substance and in part, except where otherwise indicated.

7. As set forth below, there is probable cause to believe that MICHAEL MCCONNELL, the defendant, using the Internet and cellular telephone messaging, extorted a minor in Kansas from at least on or about February 20, 2019 to at least on or about February 24, 2019, and caused the minor to produce images of herself engaging in sexually explicit conduct from at least on or about February 20, 2019 to at least on or about February 23,

2019, and received and possessed child pornography from at least on or about February 20, 2019 to February 23, 2019, in his residence in Manhattan, New York.

The Child Pornography Extortion

8. Based on my conversations with other law enforcement agents and employees, my review of reports and records created in the course of this investigation, and my review of records and communications obtained from the victim and from third parties, I have learned, among other things, the following, in substance and in part:

a. On or about February 19, 2019, an individual using the profile name "munozlarisa" and later identified as MICHAEL MCCONNELL, the defendant (see *infra* ¶ 9), responded to a listing for an article of clothing posted for sale by a girl in Kansas ("Victim-1") on an online marketplace called Depop. The profile picture for "munozlarisa" was an image of a woman. At all times relevant to this complaint, Victim-1 was 16 years of age.

b. On or about February 19, 2019, MCCONNELL, writing as "munozlarisa" on Depop, inquired whether Victim-1 would be willing to sell used underwear. Victim-1 responded: "I am just nervous to do this because I am under 18 and I don't know you and you could be an old man or something lol." After Victim-1 agreed to send "munozlarisa" photographs of underwear she was willing to sell, "munozlarisa" asked whether Victim-1 would send photographs of Victim-1 wearing certain articles of underwear so that "munozlarisa" could see how the underwear fit. Victim-1 responded: "Well because I'm under 18 it's illegal for me to send pictures like that on the internet. Would you still consider buying? They would fit you well I think."

c. On or about February 19, 2019, in response to MCCONNELL's requests on Depop, Victim-1 emailed MCCONNELL two photographs of herself wearing underwear and several photographs of underwear she was willing to sell. Victim-1 sent the photographs to an email address consisting of a woman's name followed by numbers (the "Target Email Account"), which MCCONNELL provided. MCCONNELL also asked Victim-1 to send him photographs at a specified phone number ("Telephone Number-1").

d. From on or about February 20, 2019 to at least February 23, 2019, MCCONNELL and Victim-1 continued their discussion by text message. During this period, MCCONNELL used multiple phone numbers, including Telephone Number-1 and two other telephone numbers ("Telephone Number-2" and "Telephone

Number-3"), later determined to be temporary phone numbers generated by third party providers (see infra ¶ 9).

e. The following are excerpts of a text message exchange between MCCONNELL, using Telephone Number-1, and Victim-1 on or about February 20, 2019:

MCCONNELL: Wow i finally got the pics of the underwear today 😏 are you still willing to sell them or not really?

MCCONNELL: ?

Victim-1: I don't think so sorry. But still consider buying the bralette because it is still available!

* * *

MCCONNELL: I think im going to post your panty pics along with pics i photoshopped of you naked and tag them with your name, phone number and [REDACTED] high school. Also 2 pics from your vsco where you showed panties and you could see the pubic hair peeking out. That should teach you to be a bit nicer and not so rude. What do you think should i post on social media + porn sites? If you decide to tell anyone i will only expose you further so make the right choice and keep this between us.

Victim-1: What?? Well what do you want me to do so you don't do that

MCCONNELL: Send me a text here [Telephone Number-2] this number is acting up

f. Immediately after the above exchange on or about February 20, 2019, Victim-1 and MCCONNELL, now using Telephone Number-2, exchanged the following messages:

Victim-1: What do you want

MCCONNELL: I really want to post them but i feel like i should give you a chance so i dont do that. Tell me what you would do

Victim-1: Please don't post them. What can I do?

g. In response to MCCONNELL's demands, Victim-1 offered to send MCCONNELL, using Telephone Number-2, photos of

her feet or stomach. MCCONNELL rejected the offer and sent Victim-1 an Internet link to the "Contact Information" webpage for her high school, which included email addresses and phone numbers for school administrators and staff. Victim-1 and MCCONNELL then agreed that if Victim-1 would send a picture of her breasts, then MCCONNELL would stop. Victim-1 sent MCCONNELL an image of exposed breasts that she found online. MCCONNELL asked Victim-1 to switch to Telephone Number-3, and thereafter responded using that number: "That's not you im not stupid now should i go ahead and post . . . & send to school emails?"

h. The following are excerpts of a subsequent text message exchange between MCCONNELL, using Telephone Number-3, and Victim-1 from approximately the late evening of February 20, 2019 to the early morning of February 21, 2019:

Victim-1: Will you really stop if I send real ones?

MCCONNELL: I said yes before

MCCONNELL: But you like to lie and send fake shit

MCCONNELL: I dont have much time so be quick or let it happen

Victim-1: Okay I'm just scared you will post these too

MCCONNELL: If you listen nothing will be posted

Victim-1: Okay

MCCONNELL: Im giving you my word

Victim-1: Is it alright if I go to bed now?

MCCONNELL: Almost done just 1-2 more pics and i wont ever bother you again

Victim-1: Okay

Victim-1: [Image-1][Image-2]

* * *

MCCONNELL: Were almost done can i see your vagina

Victim-1: Only 1 picture?

MCCONNELL: You can send a few

MCCONNELL: Youve been good so far so most likely gona delete everything

Victim-1: You won't post anything?

MCCONNELL: And not post

MCCONNELL: Not as long as you send what i ask
Victim-1: Okay
MCCONNELL: Tell me when sent
Victim-1: [Image-3]
Victim-1: Sent
Victim-1: Could I please go to bed now it's really late here
Victim-1: Did you get it?
MCCONNELL: I got 1 pic i want a full shot of vagina
Victim-1: That is what I sent
MCCONNELL: Not that close
MCCONNELL: Move cam back a bit
Victim-1: Are you going to post it? What are you goin to do with it?
MCCONNELL: Im not going to post it
Victim-1: Swear?
MCCONNELL: I wouldnt do that, so long as you listen
MCCONNELL: I swore already
MCCONNELL: Spread legs a bit dont be so shy
MCCONNELL: Gosh
MCCONNELL: Good lighting if possible
MCCONNELL: After that you can go to sleep
Victim-1: Okay
Victim-1: Is this good? [Image-4]

Image-1 and Image-2 are photographs of Victim-1's exposed breasts. Image-3 is a photograph of Victim-1's vagina with her legs closed. Image-4 is a photograph of Victim-1's vagina with her legs open.

i. The following are excerpts of a text message exchange between MCCONNELL, using Telephone Number-3, and Victim-1 on or about February 21, 2019:

MCCONNELL: I want full nude pic
MCCONNELL: Quicker you do it, the quicker we are closer to ending this

Victim-1: Okay
Victim-1: Do you have Snapchat
MCCONNELL: Send here or email
Victim-1: [Image-5]

Image-5 is a nude photograph of Victim-1 from neck to thigh.

j. On or about February 23, 2019, in response to MCCONNELL's demands, Victim-1 sent MCCONNELL, using Telephone Number-3, at least six additional explicit photographs ("Image-6" through "Image-11"). Image-6 is a photograph of Victim-1's exposed breasts. Image-7 is a photograph of Victim-1 topless with her face shown. Image-8, Image-9, and Image-10 are photographs of Victim-1's exposed underarm and/or breast. Image-11 is a photograph of Victim-1's nude back and buttocks.

McConnell is Identified and Located

9. Based on my conversations with other law enforcement agents and employees, my review of reports and records created in the course of this investigation, and my review of records and communications obtained from third parties, I have learned, among other things, the following, in substance and in part:

Temporary Numbers Lead to McConnell and the Target Apartment

a. Service Provider-1 operates a phone application that enables a user to obtain and use a temporary phone number. Records provided by Service Provider-1 reflect that a Service Provider-1 subscriber was assigned Telephone Number-1 from on or about February 19, 2019 to on or about February 20, 2019, and Telephone Number-2 on or about February 20, 2019. The contact information provided by this subscriber to Service Provider-1 included a telephone number (the "Target Telephone Number").

b. Records provided by AT&T Corporation state that the subscriber of the Target Telephone Number is an individual with a first name different than the Target Subject but the same surname ("Subscriber-1"). AT&T records state that the Telephone Number is associated with an apartment in Manhattan, New York (the "Target Apartment"). AT&T records further indicate that the device associated with the Target Telephone Number is an Apple iPhone 8.

c. Records provided by Apple Inc. pursuant to a search warrant issued by a Kansas state court indicate that the Target Telephone Number is associated with an iCloud account with a username consisting of the name of MICHAEL MCCONNELL, the

defendant, followed by numbers (the "iCloud Account"). That iCloud account reflects usage of applications provided by Service Provider-1 and Service Provider-2 (described below).

d. Records of the New York Department of Motor Vehicles indicate that MCCONNELL has a driver's license for which the Target Apartment is the listed address.

e. The contents of the iCloud Account include photographs of Victim-1, both with and without clothing. The contents of the iCloud Account also contain photographs of MCCONNELL, based on a visual inspection of MCCONNELL's driver's license photograph.

IP Addresses Lead to the Target Apartment

f. Service Provider-2, like Service Provider-1, operates a phone application that enables a user to obtain and use a temporary phone number. Records provided by Service Provider-2 reflect that a Service Provider-2 subscriber was assigned Telephone Number-3 from on or about February 20, 2019 to on or about February 25, 2019. On or about February 24, 2019, this subscriber accessed Service Provider-2 from a particular Internet Protocol ("IP") address (the "Target IP Address").

g. Records provided by Google LLC reflect that on or about February 20, 2019, the subscriber of the Target Email Account accessed Google from the Target IP Address.

h. Records provided by Charter Communications, Inc. reflect that at times from at least February 19, 2019 to at least February 24, 2019, the Target IP Address was assigned to Subscriber-1. Charter records further reflect that Subscriber-1 resides at the Target Apartment.

10. Based on the foregoing, there is probable cause to believe that MICHAEL MCCONNELL, the defendant, is the user of Telephone Number-1, Telephone Number-2, and Telephone Number-3, which were used to communicate with Victim-1, and is the user of the iCloud Account, which contains sexually explicit photographs of Victim-1.

McConnell Is Arrested and Searched

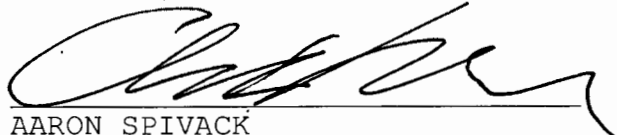
11. On June 3, 2019, the Honorable Gabriel W. Gorenstein, Chief United States Magistrate Judge, Southern District of New York, issued a warrant authorizing a search of the Target Apartment.

12. On June 4, 2019, during the execution of the search warrant, law enforcement apprehended and arrested MICHAEL MCCONNELL, the defendant, outside of the Target Apartment. Based on my visual inspection, MICHAEL MCCONNELL, the defendant, is the same individual whose photographs are found in the iCloud Account.

13. On the person of MICHAEL MCCONNELL, the defendant, was an Apple iPhone. The lock screen of the iPhone shows a photograph of MCCONNELL that appears substantially similar to a photograph in the iCloud Account.

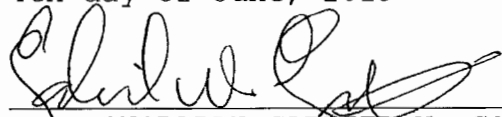
14. In my presence, another law enforcement officer dialed Telephone Number-3. Immediately thereafter, the iPhone that was on the person of MICHAEL MCCONNELL, the defendant, rang with the label "Textfree Audio." The same iPhone also rang when a law enforcement officer called the Target Telephone Number.

WHEREFORE, deponent respectfully requests that MICHAEL MCCONNELL, the defendant, be imprisoned or bailed, as the case may be.



AARON SPIVACK
Special Agent
Federal Bureau of Investigation

Sworn to before me this
4th day of June, 2019



THE HONORABLE GABRIEL W. GORENSTEIN
Chief United States Magistrate Judge
Southern District of New York